

JUN 18 2008

**Board of Vocational Nursing
and Psychiatric Technicians**

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**BEFORE THE
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
OR ITS SUCCESSOR IN INTEREST,
THE DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. VN-2004-2175

NANCY MATLOCK
555 Matmor Road, #21
Woodland, CA 95776

A C C U S A T I O N

Vocational Nurse License No. VN 56158

Respondent.

Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") alleges:

PARTIES

1. Complainant brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians ("Board"), Department of Consumer Affairs.

2. On or about March 27, 1973, the Board issued Vocational Nurse License Number VN 56158 ("license") to Nancy Matlock ("Respondent"). The license will expire on December 31, 2009, unless renewed.

STATUTORY PROVISIONS

3. Section 2875 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline the holder of a vocational nurse license for any

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1 reason provided in Article 3 (commencing with Code section 2875) of the Vocational Nursing
2 Practice Act.

3 4. Code section 118, subdivision (b), provides, in pertinent part, that the
4 expiration of a license shall not deprive the Board jurisdiction to proceed with a disciplinary
5 action during the period within which the license may be renewed, restored, reissued or
6 reinstated. Under Code section 2892.1, the Board may renew an expired license at any time
7 within four years after the expiration.

8 5. Code section 2878 states, in pertinent part:

9 The Board may suspend or revoke a license issued under this chapter [the
10 Vocational Nursing Practice Act (Bus. & Prof. Code, § 2840, et seq.)] for any of
the following:

11 (a) Unprofessional conduct...,

12 (f) Conviction of a crime substantially related to the qualifications,
13 functions, and duties of a licensed vocational nurse, in which event the record of
the conviction shall be conclusive evidence of the conviction.

14 (j) The commission of any act involving dishonesty, when that action is
15 related to the duties and functions of the licensee.

16 6. Code section 2878.5 states, in pertinent part:

17 In addition to other acts constituting unprofessional conduct within the
18 meaning of this chapter [the Vocational Nursing Practice Act] it is unprofessional
conduct for a person licensed under this chapter to do any of the following:

19 (b) Use any controlled substance as defined in Division 10 of the Health
20 and Safety Code, or any dangerous drug as defined in Article 8 (commencing with
21 Code section 4210) of Chapter 9 of Division 2 of this code, or alcoholic
beverages, to an extent or in a manner dangerous or injurious to himself or herself,
any other person, or the public, or to the extent that such use impairs his or her
22 ability to conduct with safety to the public the practice authorized by his or her
license.

23 (c) Be convicted of a criminal offense involving possession of any
24 narcotic or dangerous drug, or the prescription, consumption, or
self-administration of any of the substances described in subdivisions (a) and (b)
25 of this section, in which event the record of the conviction is conclusive evidence
thereof.

26 (e) Falsify, or make grossly incorrect, grossly inconsistent, or
unintelligible entries in any hospital, patient, or other record pertaining to
27 narcotics or dangerous drugs as specified in subdivision (b).
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1 **COST RECOVERY**

2 7. Code section 125.3 provides, in pertinent part, that the Board may request
3 the administrative law judge to direct a licensee found to have committed a violation or
4 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
5 and enforcement of the case.

6 8. **DRUGS**

7 "Levothyroxine" is a dangerous drug pursuant to Code section 4022, in that it
8 requires a prescription under federal law.

9 "Lasix" is a brand name of the generic medication Furosemide and a dangerous
10 drug pursuant to Code section 4022, in that it requires a prescription under federal law.

11 "Klor-CDM and Slow K" are brand names for the generic medication Potassium
12 and dangerous drugs pursuant to Code section 4022, in that they require a prescription under
13 federal law.

14 "Coreg" is a brand name for the generic medication Carvedilol and is a dangerous
15 drug pursuant to Code section 4022, in that it requires a prescription under federal law.

16 **FIRST CAUSE FOR DISCIPLINE**

17 **(Criminal Conviction)**

18 9. Respondent is subject to disciplinary action under Code section 2878,
19 subdivision (f) in that on March 1, 2002, in the Superior Court, County of Placer, California in
20 the matter entitled *People vs. Nancy Katherine Matlock* (Super. Ct., Placer Cty., 2001, Case No.
21 62-020001), Respondent was convicted, by a jury of violating Vehicle Code section 23153,
22 subdivision (a) (driving under the influence of a drug, causing injury), a misdemeanor, and
23 Vehicle Code section 22350 (driving at an unsafe speed), an infraction. The circumstances of the
24 crime are that on or about February 1, 2001, Respondent drove a vehicle while under the
25 influence of alcohol or drugs or a combination thereof, causing an accident, which resulted in
26 injury to N.B. Such conduct is substantially related to the qualifications, functions, or duties of a
27 licensed vocational nurse.

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1 medication administration record; however, the drug was not dispensed to the facility by the
2 pharmacy until after November 6, 2004.

3 c. Between November 1, 2004, and November 6, 2004, Respondent
4 documented the administration of KCL (Potassium) 8 meq, once each day to this patient, in the
5 patient's medication administration record; however, the drug was not dispensed to the facility by
6 the pharmacy until after November 6, 2004.

7 d. Between November 1, 2004, and November 6, 2004, Respondent
8 documented the administration of 3.125 mg tablets of Coreg, twice each day to this patient, in the
9 patient's medication administration record; however, the drug was not dispensed to the facility by
10 the pharmacy until after November 6, 2004.

11 **FIFTH CAUSE FOR DISCIPLINE**

12 **(Dishonest Act)**

13 13. Respondent is subject to disciplinary action under Code section 2878,
14 subdivision (j), in that in or about December 2003, Respondent committed acts constituting
15 dishonesty by failing to disclose, on her Renewal of Vocational Nurse License Form No. 146468,
16 her March 2002, conviction.

17 **PRIOR DISCIPLINE**

18 14. Effective April 16, 1983, pursuant to the Stipulation for Settlement in
19 Accusation No. 1055, Respondent's Vocational Nurse License No. VN 56158 was revoked;
20 however, the revocation was stayed and Respondent was placed on probation for a period of five
21 (5) years with conditions. The basis of said discipline was that Respondent obtained and self-
22 administered Demerol and in order to do so, Respondent falsified patient records.

23 **PRAYER**

24 WHEREFORE, Complainant requests that a hearing be held on the matters herein
25 alleged, and that following the hearing, the Board of Vocational Nursing and Psychiatric
26 Technicians issue a decision:

27 1. Revoking or suspending Vocational Nurse License Number VN 56158,
28 issued to Nancy Matlock;

2. Ordering Nancy Matlock to pay the Board of Vocational Nursing and Psychiatric Technicians the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and,

3. Taking such other and further action as deemed necessary and proper.

DATED: June 18, 2008

Teresa Bell Jones
TERESA BELL JONES LD M

Executive Officer
Board of Vocational Nursing and Psychiatric Technicians
Department of Consumer Affairs
State of California
Complainant